

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Pending before the Court is Defendant Ronald Irving Vails's ("Defendant's") Motion for Compassionate Release, (ECF No. 48). The Government filed a Response, (ECF No. 52). Defendant did not file a Reply.¹

For the reasons discussed below, the Court **DENIES** the Motion for Compassionate Release.

I. BACKGROUND

On September 22, 2021, Defendant pleaded guilty to Count 1 of the Indictment: Felon in Possession of a Firearm in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). (*See* Mins. Proceedings, Change of Plea, ECF No. 33); (*see also* Indictment, ECF No. 1). On November 29, 2021, this Court sentenced Defendant to 30 months imprisonment with 36 months of supervision. (*See* J., ECF No. 45). Defendant is presently in custody at U.S.P. Beaumont, and he petitions this Court for compassionate release. (*See generally* Mot. Compassionate Release (“MCR”), ECF No. 48).

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¹ Defendant's Counsel also filed a Notice of Non-Supplementation, indicating that no supplementation is necessary. (Notice of Non-Supplementation at 1, ECF No. 50).

1 **II. LEGAL STANDARD**

2 The compassionate release provision of 18 U.S.C. § 3582(c)(1)(A), as amended by the
3 First Step Act, Pub. L. No. 115-391, 132 Stat. 5194 (Dec. 21, 2018), authorizes the sentencing
4 court to modify a term of imprisonment in limited circumstances, upon a motion by the
5 defendant. 18 U.S.C. § 3582(c)(1)(A). The sentencing court may order compassionate release,
6 “if after considering the factors set forth in 18 U.S.C. § 3553(a),” the defendant has
7 demonstrated: (1) he has exhausted his administrative remedies; and (2) “extraordinary and
8 compelling reasons” warrant a reduction in his sentence. 18 U.S.C. § 3582(c)(1)(A). The
9 Court must also consider whether a reduction in sentence is consistent with applicable policy
10 statements issued by the United States Sentencing Commission. *Id.* While there is currently no
11 applicable policy statement for § 3582(c)(1)(A) motions filed by a defendant, “the Sentencing
12 Commission’s statements in U.S.S.G. § 1B1.13,” which apply to § 3582(c)(1)(A) motions filed
13 by the Bureau of Prisons (“BOP”), “may inform a district court’s discretion for § 3582(c)(1)(A)
14 motions filed by a defendant, but they are not binding.” *United States v. Aruda*, No. 20-10245,
15 2021 WL 1307884, at *4 (9th Cir. April 8, 2021). Under U.S.S.G. § 1B1.13, “extraordinary
16 and compelling reasons” include, among other things, age, terminal illnesses, and medical
17 conditions “that substantially diminish[] the ability of the defendant to provide self-care within
18 the environment of a correctional facility and from which he or she is not expected to recover,”
19 and family circumstances whereby the defendant would be the only available caretaker for a
20 minor child or spouse. However, post-*Aruda*, district courts are “empowered . . . to consider
21 any extraordinary and compelling reason for release that a defendant might raise,” regardless of
22 whether they are specifically enumerated in U.S.S.G. § 1B1.13. *Aruda*, 993 F.3d at 801
23 (quoting *United States v. McCoy*, 981 F.3d 271, 284 (4th Cir. 2020)). The decision to grant
24 compassionate release is in the sentencing court’s discretion. *See United States v. Wade-*
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1 *Waiver*, 2:99-cr-00257-CAS-3, 2020 U.S. Dist. LEXIS 69474, 2020 WL 1864906, at *5 (C.D.
 2 Cal. Apr. 13, 2020).

3 **III. DISCUSSION**

4 The Court begins and ends its analysis with the extraordinary and compelling reasons
 5 Defendant proffers for release. Defendant argues that his underlying health conditions, his age,
 6 his non-violent offense, and his family circumstances provide extraordinary and compelling
 7 reasons for his release. (*See generally* MCR at 4–5). Primarily, Defendant asserts that he is the
 8 sole legal guardian of his seven-year-old son, who is currently being cared for by someone
 9 affected by COVID-19. (*Id.* at 5).

10 Federal district courts disagree about whether a family member’s incapacity constitutes
 11 extraordinary relief to reduce a defendant’s sentence. *Compare United States v. Baye*, 464 F.
 12 Supp. 3d 1178, 1190 (D. Nev. 2020) *with United States v. Bucci*, 409 F. Supp. 3d 1, 2 (D.
 13 Mass. 2019). District courts, however, generally agree that compassionate release is not
 14 warranted “when a defendant has not shown that he or she is the only available caretaker.” *See*
 15 *United States v. Crocker*, No. 3:16-cr-00122-HZ, 2020 U.S. Dist. LEXIS 227125, at *8 (D. Or.
 16 Dec. 1, 2020) (cataloguing cases).

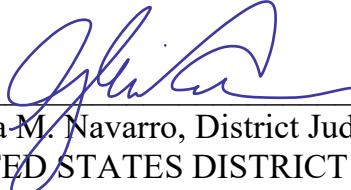
17 In the present case, Defendant does not indicate whether he is the sole provider for his
 18 son. He indicates that he “found out about [his] son two years ago and just got full custody last
 19 year.” (MCR at 16). He claims that his son’s present guardian has COVID-19 and thus, needs
 20 another individual to care for his son. (MCR at 5). Though he claims that there is “no one to
 21 care for [his] son,” Defendant does not explain how he is the only available caretaker or that the
 22 present guardian cannot otherwise care for his son. *United States v. Crocker*, No. 3:16-cr-
 23 00122-HZ, 2020 U.S. Dist. LEXIS 227125, at *9 (D. Or. Dec. 1, 2020) (denying compassionate
 24 release because “it is unclear whether Defendant is the only available caretaker for his mother”);
 25 *United States v. Waxman*, No. CR18-175RSL, 2021 U.S. Dist. LEXIS 173551, at *19 (W.D.

1 Wash. Sep. 13, 2021) (denying compassionate release because the “defendant has not discussed
2 the unavailability of other caregivers, nor has defendant established the level of incapacitation
3 of his grandfather). Though the Court is sympathetic, Defendant fails to demonstrate that
4 caring for his son necessitates extraordinary relief. Defendant’s additional reasons—his age,
5 health, and the non-violence nature of his offense—also do not support granting compassionate
6 release. Defendant is not over 70 years old, and his health conditions—mainly, his high blood
7 pressure, hernia, and obesity—also do not warrant release. *See* 18 U.S.C. § 3582(c)(1)(A).
8 Accordingly, the Court denies Defendant’s Motion for Compassionate Release.

9 **V. CONCLUSION**

10 **IT IS HEREBY ORDERED** that Defendant’s Motion for Compassionate Release,
11 (ECF No. 48), is **DENIED**.

12 Dated this 15 day of July, 2022.

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16 Gloria M. Navarro, District Judge
17 UNITED STATES DISTRICT COURT
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